

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Eighteenth Region

APPOLLO SYSTEMS, INC.

Employer-Petitioner

and

INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL 292

Union

Case 18-UC-423

SUPPLEMENTAL DECISION AND ORDER

Appollo Systems, Inc. (Petitioner) filed this petition on October 21, 2009, requesting that I clarify an existing bargaining unit to exclude its residential division employees from a unit of installers and technicians employed by Petitioner in its commercial division. On December 3, 2009, I issued the attached Decision and Order. In the Decision and Order, I assumed for purposes of deciding the case that the parties' collective-bargaining agreement was made pursuant to Section 8(f) of the National Labor Relations Act, as contended by the International Brotherhood of Electrical Workers, Local 292 (Union). I then concluded that I should clarify the existing unit to exclude Petitioner's residential division employees.

On December 31, 2009, the Union filed a Request for Review of my Decision and Order. On January 7, 2010, Petitioner filed a Statement in Opposition to the Union's Request for Review, contending, among other things, that the parties' relationship was governed under Section 9(a) of the National Labor Relations Act.

On March 3, 2010, the Board remanded the above case to me for a determination of whether the parties' collective-bargaining contract was made pursuant to Section 8(f) or Section 9(a) of the National Labor Relations Act.

On April 5, 2010, the parties entered into the attached Stipulation of Facts, wherein the parties stipulate and agree that their contract was made pursuant to Section 8(f) of the National Labor Relations Act.

In view of the Stipulation of Facts, I adhere to the conclusions set forth in my original Decision and Order. Moreover, the parties have stipulated that the legal issue before the Board, based on the underlying UC petition and my Decision and Order, is whether unit-clarification principles are appropriately applied to Section 8(f) contracts, and thus whether my conclusion that certain employees of Petitioner are historically excluded from the collective-bargaining unit was correct.

Attached to this Supplemental Decision and Order are my Decision and Order dated December 3, 2009, and the Stipulation of Facts agreed to by Petitioner and the Union.

RIGHT TO REQUEST REVIEW

Pursuant to the provisions of Section 102.67 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 – 14th Street, N.W., Washington, DC. 20570-0001. This request for review must contain a complete statement setting forth the facts and reasons on which it is based.

Procedures for Filing a Request for Review

Pursuant to the Board's Rules and Regulations, Sections 102.111—102.114, concerning the Service and Filing of Papers, the request for review must be received by the Executive Secretary of the Board in Washington, D.C., by close of business on **April 23, 2010, at 5 p.m. Eastern Time**, unless filed electronically. **Consistent with the Agency's E-Government initiative, parties are encouraged to file a request for review electronically.** If the request for review is filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time** on the due date. Please be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile transmission. Upon good cause shown, the Board may grant special permission for a longer period within which to file.¹

A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the E-Filing system on the Agency's website at www.nlr.gov. Once the website is accessed, select the E-Gov tab, click on E-Filing, and follow the detailed directions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file an appeal electronically will not be excused on the basis of a claim that the receiving machine was off-line or unavailable, the sending machine malfunctioned, or for any other electronic-related

¹ A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Signed at Minneapolis, Minnesota, this 9th day of April, 2010.

Marlin O. Osthus, Regional Director
National Labor Relations Board
Region Eighteen
330 South Second Avenue, Suite 790
Minneapolis, MN 55401

Attachments